

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: TRIBUNE COMPANY
FRAUDULENT CONVEYANCE
LITIGATION

THIS DOCUMENT RELATES TO:
ALL MATTERS

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Consolidated Multidistrict Litigation

No. 11 MD 2296 (RJS)

No. 12 MC 2296 (RJS)

ORDER

PHASE TWO MOTION PROTOCOL

On November 21, 2013, the Court issued Master Case Order No. 4 ("MCO 4"). Section VI of MCO 4 instructed the parties to propose protocols to establish the procedures and timing for the Defendants' pre-answer motions to dismiss in the remaining actions in this consolidated multidistrict litigation. Now before the Court are proposals from (1) Counsel for Marc S. Kirschner, Litigation Trustee for the Tribune Litigation Trust ("the Trustee"), (2) Liaison Counsel to the Exhibit A Shareholder Defendants ("Shareholder Liaison Counsel"), and (3) Liaison Counsel to the Named Defendants ("Named Defendants Counsel"), respectively. With these proposals in mind, the Court sets the following guidelines and schedule:

- Named Defendants Counsel may make any or all of its eleven proposed motions to dismiss, so long as the initial briefs are limited to a combined 250 pages. These initial briefs shall be submitted no later than Friday, May 23, 2014. The response briefs shall also be limited to a combined 250 pages, and shall be submitted no later than Monday, June 23, 2014. The reply briefs, if any, shall be limited to a combined 100 pages, and shall be submitted no later than Thursday, July 3, 2014.

- Shareholder Liaison Counsel is directed to file its proposed global motion to dismiss Count I on behalf of all 5,200 Shareholder Defendants. The initial brief shall be submitted no later than Friday, May 23, 2014, and shall be no longer than 40 pages. The response brief shall be submitted no later than Monday, June 23, 2014, and shall be no longer than 40 pages. The reply brief, if any, shall be submitted no later than Thursday, July 3, 2014, and shall be no longer than 15 pages.¹

SO ORDERED.

Dated: April 24, 2014
New York, New York



RICHARD J. SULLIVAN
United States District Judge

¹ Shareholder Liaison Counsel's proposal includes (1) a single global motion to dismiss the entirety of Count I (the fraudulent transfer claims) of the Fifth Amended Complaint against all 5,200 Shareholder Defendants, (2) nineteen specifically enumerated motions to dismiss, and (3) an unknown number of motions to dismiss based on grounds such as lack of personal jurisdiction or lack of proper service. The proposal also recommends that Shareholder Defendants be allowed to file five-page supplements to the nineteen enumerated motions to dismiss. In light of the fact that these suggestions will involve tremendous logistical issues and potentially thousands of filings, the Court will postpone the nineteen enumerated motions to dismiss, motions pursuant to Rule 12(b)(2)-(5) of the Federal Rules of Civil Procedure, and any supplemental filings. If these various motions are necessary after the Court resolves the global motion to dismiss, the Court will set further guidelines and briefing schedules.